

### REMARKS

Turning first to the amendment to the specification, applicants note that the language “dwell” was present in the application as filed. The word “dwell” was changed to “swell” in the Amendment filed on January 29, 2004; however, while the present invention is concerned primarily with the swelling of dosage forms in the gastrointestinal tract, within the context of the amended paragraph, the instant application is concerned with the time a conventional dosage form dwells, or resides, in the stomach of a patient; rather than the time that the dosage form “swells” in the stomach. For this reason, applicants respectfully request the return of the original language as filed with this application.

Turning next to the listing of the claims, applicants note that the present application was filed with 61 claims. On May June 16, 2003, in response to the Restriction Requirement of May 23, 2003, applicants elected composition claims 1-37 for prosecution and elected four different species identified by the Examiner, namely: (i) the polymer poly(ethylene oxide); (ii) the active agent ciprofloxacin; (iii) the dosage form where the active agent is not in a vesicle, and (iv) a tablet as the dosage form. The claims covered by these species were identified by applicants as claims 1-27 and 36. In the first Office Action of September 29, 2003, claims 1-28 and 36 were examined on the merits. On January 29, 2004, applicants filed a response to the Office Action, which did the following: (i) amended claim 1; (ii) identified claims 29-37 as withdrawn (note here that claim 36 was incorrectly identified as withdrawn in the response); (iii) canceled non-elected method claims 38-61; (iv) added new claims 62-73; and (v) traversed the Examiner’s anticipation rejection. The listing of the claims set forth in this paper properly identifies claim 1-28, 36, and 62-73 as pending, claims 29-35 and 37 as withdrawn, and claims 38-61 as canceled.

Turning next to the Examiner’s Species Election, applicants elect unilayer tablets without traverse. The claims drawn to the unilayer tablets are pending claims 1-37 and 62-65.

**CONCLUSION**

With this paper, applicants are fully responsive to the Examiner's Requirement for Species Election. With this election of species, applicants would like to emphasize that the species election made herein is made solely to facilitate the Examiner's search and that if, upon examination, the generic recitation of a tablet is found allowable, then all claims drawn to the unilayer, bilayer, and trilayer tablets will also be held allowable.

Lastly, if the Examiner has any questions or concerns regarding this paper, he is welcome to contact the undersigned attorney at 650-330-4913 or at [canaan@reedpatent.com](mailto:canaan@reedpatent.com).

Respectfully submitted,

By: 

Karen Canaan

Registration No. 42,382

REED & EBERLE LLP  
800 Menlo Avenue, Suite 210  
Menlo Park, California 94025  
(650) 330-0900 Telephone  
(650) 330-0980 Facsimile